

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BIANCA BROWN,

Plaintiff,

-against-

THE COUNTY OF WESTCHESTER, ET AL.,

Defendants.

ORDER

22-CV-06146 (PMH)

PHILIP M. HALPERN, United States District Judge:

The Court held a pre-motion conference on Defendants’ anticipated motion to dismiss on February 8, 2023. Plaintiff represented in her October 31, 2022 pre-motion conference letter that she “consents to withdraw her eleventh cause of action under the NY State Constitution.” (Doc. 47 at 5). Accordingly, the Court dismisses with prejudice Plaintiff’s eleventh claim for relief for violation of Art. 1, Sec. 11 of the New York State Constitution. Further, the Court dismisses with prejudice the Westchester County Office of the District Attorney as a defendant in this action. The Westchester County Office of the District Attorney “does not have a legal existence separate from the District Attorney” and therefore “is not an entity that can be sued.” *Lewis v. Hoovler*, No. 21-CV-2438, 2021 WL 1299491, at *3 (S.D.N.Y. Apr. 5, 2021).

The Clerk of Court is respectfully directed to terminate the Westchester County Office of the District Attorney as a defendant in this action.

SO ORDERED.

Dated: White Plains, New York
February 8, 2023



PHILIP M. HALPERN
United States District Judge